

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICAN and
STATE OF MICHIGAN, ex rel SUSAN
DAY, M.D.,

Case No. 17-cv-00714

HON. PAUL L. MALONEY

Plaintiff-Relator,

v.

SPECTRUM HEALTH MEDICAL GROUP,

Defendant.

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**DEFENDANT SPECTRUM HEALTH MEDICAL GROUP'S
MOTION TO DISMISS**

Defendant Spectrum Health Medical Group (“**SHMG**”) hereby moves this court for an order dismissing Plaintiff’s claims against SHMG. The record indisputably demonstrates that Plaintiff Dr. Susan Day settled her retaliation claim with SHMG, in an agreement reached before her complaint in this matter was unsealed. Accordingly, Plaintiff’s claim should be dismissed under Federal Rule of Civil Procedure 12(c). This motion is based on the accompanying Brief in Support.

Pursuant to Local Rule 7.1, SHMG's counsel contacted Plaintiff's counsel regarding the nature of SHMG's motion and requested concurrence in the relief sought. Plaintiff declined to concur.

Dated: October 26, 2018

s/Andrea J. Bernard
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